

ORDER

Pending is Plaintiffs CeramFab, Inc., CeramSource, Inc., Yonggong, LLC, and WYG Refractories, LLC's (collectively "CeramFab Plaintiffs")¹ Motion to Restore Case to Active Docket ([ECF No. 732](#)).

For good cause shown, the motion is granted without opposition. Case No. 4:23CV2206² is reinstated to the Court's active docket.

- Counsel for CeramFab Plaintiffs and Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk Southern") shall meet and confer. On or before May 13, 2025, counsel for CeramFab Plaintiffs and Norfolk Southern shall file a Joint Status Report that sets forth a proposed schedule for Case No. 4:23CV2206 going forward (including a cutoff date for Norfolk Southern to move, plead or otherwise respond to the Complaint ([ECF No. 1](#))).

¹ Paragraph 15 of the Court's Order Granting Motion for Preliminary Approval of Settlement, Appointment of Lead Class Counsel, and Approval of Notice ([ECF No. 458](#)) provides: "The Settlement Administrator will provide promptly, and no later than 14 days following the cutoff date for members of the Settlement Class to opt-out, Plaintiffs and Norfolk Southern with copies of any exclusion requests, and Plaintiffs shall file a list of all persons who have validly opted out of the Settlement with the Court prior to the Final Approval Hearing." CeramFab Plaintiffs opted out of the class action settlement on June 28, 2024, which was before the July 1, 2024 cutoff date. *See* [ECF No. 732 at PageID #: 51920 n. 3; PageID #: 51921](#). On September 24, 2024, Lead Class Counsel filed a Notice of Filing of Exclusions From Class Action Settlement Agreement ([ECF No. 552](#)). CeramFab Plaintiffs are listed as Nos. 84, 367, 416, and 86 in [ECF No. 552](#).

² CeramFab Plaintiffs' Motion ([ECF No. 732](#)) and Reply Memorandum ([ECF No. 757](#)) contain a scrivener's error. The documents relate to Case No. 4:23CV2206, not Case No. 4:23CV0509. The latter case was dismissed without prejudice on April 28, 2023 when the Court approved Plaintiffs Ceramfab, Inc., Ceramsource, Inc., and WYG Refractories, LLC's Notice of Voluntary Dismissal ([ECF No. 23 in Case No. 4:23CV0509](#)). *See* Marginal Entry Order ([ECF No. 24 in Case No. 4:23CV0509](#)). Case No. 4:23CV2206 is a refiled case that also includes Yonggong, LLC as a party plaintiff.

- Between January 30, 2025 and February 5, 2025, 14 new cases were filed by individuals and businesses who have allegedly validly opted out of the Settlement. On or before May 13, 2025, counsel for Norfolk Southern shall file a separate Status Report updating the Court on any consultations they have had with any of the other 414 individuals and businesses who have validly opted out of the Settlement and are not named in the 14 new cases.³ In addition, the separate Status Report shall update the Court on any consultations they have had with Plaintiffs' counsel in Case Nos. 4:24CV0587 and 4:24CV1024 ("the insurance cases").

A separate Case Management Conference Scheduling Order will be issued for Case No. 4:23CV2206.

The Clerk of Court shall docket the within Order in Case Nos. 4:23CV242 and 4:23CV2206. Thereafter, all pleadings and other papers for the case brought by CeramFab Plaintiffs shall only be filed in and docket entries shall only be made in Case No. 4:23CV2206.

IT IS SO ORDERED.

April 29, 2025
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

³ The Court notes that the plaintiffs in Case No. 4:25-cv-00169 are Chase Kinder, individually and d/b/a Birddoghill Kennel and Cheryl Kinder, individually and d/b/a Birddoghill Kennel. Those parties, along with Stonybrook Kennel and Pamela Taas, were Plaintiffs in Case No. 4:23-cv-00292, although they were represented by different counsel.